

STATISTICAL INFORMATION ONLY: Debtor must select one box on each of the following items included in the Plan.

\_0 Valuation of Security

0\_ Assumption of Executory Contract or Unexpired Lease

\_0 Lien Avoidance

Last revised: September 1, 2018

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEYIn Re: Richard Paliotta Jr.

Case No.: 19-31515

Debtor(s)

Judge: Meisel

## Chapter 13 Plan and Motions

☐ Original☐ Modified/Notice Required☐ Motions Included☒ Modified/No Notice Required

Date: 07/20/2020

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

## YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

## THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULTS IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JLM

Initial Debtor: RJP

Initial Co-Debtor: \_\_\_\_

### Part 1: Payment and Length of Plan

- a. The debtor shall pay \$100 per Month to the Chapter 13 Trustee, starting on December 1, 2019 for approximately 5 months then \$500 per month for 55 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
- Description: \_\_\_\_\_
- Proposed date for completion: \_\_\_\_\_
- ☐ Refinance of real property:
- Description: \_\_\_\_\_
- Proposed date for completion: \_\_\_\_\_
- ☒ Loan modification with respect to mortgage encumbering property:
- Description: 907 Hammond Road
- Proposed date for completion: 06/01/2020
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

### Part 2: Adequate Protection ☒ None

- a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).
- b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$0.00
DOMESTIC SUPPORT OBLIGATION		\$0.00
NJ Department of Treasury	Priority Tax	\$5,830.81

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one:

- ☒ None
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C. 1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid

### Part 4: Secured Claims

- a. Curing Default and Maintaining Payments on Principal Residence

☐ NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Specialized Loan Servicing	907 Hammond Road	Unknown	4.25%	Full arrears to be cured through loan modification.	\$3,800. This is the adequate protection payment pursuant to the court loss mitigation program.

## b. Curing and Maintaining Payments on Non-Principal Residence &amp; other loans or rent arrears:

☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

## c. Secured claims excluded from 11 U.S.C. 506:

☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid Through the Plan Including Interest Calculation

## d. Requests for valuation of security, Cram-down, Strip Off &amp; Interest Rate Adjustments

☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

## e. Surrender

☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Ally Bank

g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE

Creditor Collateral Total Amount to be Paid Through the Plan

## Part 5: Unsecured Claims

☐ NONE

## a. Not separately classified allowed non-priority unsecured claims shall be paid:

☒ Not less than 100.00% percent

## b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis of Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions** ☒ NONENOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).** ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**☒

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Schedule Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions****a. Vesting of Property of the Estate**☐ Upon confirmation☒ Upon discharge**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative Claims
- 3) Secured Claims
- 4) Unsecured Claims

**d. Post-Petition Claims**The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification** ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 11/14/2019.

Explain below **why** the plan is being modified:

Plan is being modified to pay the State of NJ's priority claim.

Explain below **how** the plan is being modified:

Part 3(a) now reflects that the State of NJ, Department of Treasury will be paid a \$5,830.81 priority claim.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 07/20/2020

/s/ Richard Paliotta Jr.

Debtor

Date:

Joint Debtor

Date: 07/20/2020

/s/ Javier Merino

Attorney for the Debtor

## Certificate of Notice Page 6 of 7

United States Bankruptcy Court  
District of New JerseyIn re:  
Richard Paliotta, Jr.  
DebtorCase No. 19-31515-SLM  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 26

Date Rcvd: Jul 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 30, 2020.

db +Richard Paliotta, Jr., 907 Hammond Road, Ridgewood, NJ 07450-2907  
 aty +Kerry Brian Flowers, 185 Hudson St., 25th Floor, Jersey City, NJ 07311-1210  
 518569451 +Aargon Agncy, 3025 W Sahara, Las Vegas, NV 89102-6094  
 518569453 #+Aronow Law, PC, 20 Crossways Park Drive N, Suite 210, Woodbury, NY 11797-2007  
 518625683 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 518569454 +Bankamerica, 1825 E Buckeye Rd, Phoenix, AZ 85034-4216  
 518569456 +Centralcred, 9550 Regency Square Suite 602, Jacksonville, FL 32225-8116  
 518569458 +Ctech Coll, 5505 Nesconset Hwy, Mount Sinai, NY 11766-2037  
 518569460 +Flowers & O'Brien, LLC, 70 Adams Street, Fourth Floor, Hoboken, NJ 07030-8432  
 518803411 +RUC Holdings, Inc., Kerry Brian Flowers, Esq, Flowers & O'Br, 70 Hudson Street, 4th Floor, Hoboken, NJ 07030-5618  
 518569461 RUC Holdings, LLC, 1 Rhodes Court, Hoboken, NJ 07030  
 518677910 +RUC Holdings, LLC, Kerry Brian Flowers, Esq., Flowers & O'B, 185 Hudson Street, 25th Floor, Jersey City, New Jersey 07311-1210  
 518569462 +Recmgmt Srvc, 4200 Cantera Dr #211, Warrenville, IL 60555-3040  
 518709732 +STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245  
 (address filed with court: State of New Jersey, Department of Treasury, Division of Taxation, P.O. Box 245, Trenton, NJ 08695-0245)  
 518569463 +Spec Loan Sv, 8742 Lucent Blvd #300, Highlands Ranc, CO 80129-2386  
 518673060 +The Bank of New York Mellon Trustee (See 410), c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386  
 518569464 +Trnswrld Sys, 2235 Mercury Way Suite 275, Santa Rosa, CA 95407-5463

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 28 2020 23:12:03 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 28 2020 23:12:01 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235  
 518658399 E-mail/Text: ally@ebn.phinsolutions.com Jul 28 2020 23:11:19 Ally Capital, PO Box 130424, Roseville MN 55113-0004  
 518569452 +E-mail/Text: ally@ebn.phinsolutions.com Jul 28 2020 23:11:19 Ally Fincl, P.O. Box 380901, Minneapolis, MN 55438-0901  
 518580634 E-mail/PDF: resurgentbknofifications@resurgent.com Jul 28 2020 23:20:34 Ashley Funding Services, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 518569455 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 28 2020 23:20:25 Cap One, Po Box 85015, Richmond, VA 23285-5075  
 518587731 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jul 28 2020 23:20:11 Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901  
 518569459 E-mail/Text: mrdiscen@discover.com Jul 28 2020 23:11:25 Discover Fin Services LLC, ATTN: Bankruptcy, 6500 New Albany Road East, New Albany, OH 43054-0000  
 518569457 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jul 28 2020 23:19:56 Chase Card, 201 N. Walnut St//Del 1027, Wilmington, DE 19801

TOTAL: 9

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
 518569450 19-31515

TOTALS: 1, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 30, 2020

Signature: /s/Joseph Speetjens

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 26

Date Rcvd: Jul 28, 2020

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 27, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor The Bank of New York Mellon FKA The Bank of New York,  
as Trustee for the certificateholders of the CWABS, Inc. Et Al... dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Javier L. Merino on behalf of Debtor Richard Paliotta, Jr. jmerino@dannlaw.com,  
notices@dannlaw.com;mdann@dannlaw.com;bflick@dannlaw.com;edwardo@dannlaw.com;9497659420@filings.d  
ocketbird.com;Amy@DannLaw.com  
Javier L. Merino on behalf of Plaintiff Richard Paliotta, Jr. jmerino@dannlaw.com,  
notices@dannlaw.com;mdann@dannlaw.com;bflick@dannlaw.com;edwardo@dannlaw.com;9497659420@filings.d  
ocketbird.com;Amy@DannLaw.com  
Marie-Ann Greenberg magecf@magtrustee.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5